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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,696	01/04/2002	Chao-Chi Huang	PAT-1422	5668
7590	01/16/2004		EXAMINER	
Raymond Sun 12420 Woodhall Way Tustin, CA 92782			SAID, MANSOUR M	
			ART UNIT	PAPER NUMBER
			2673	

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/039,696	HUANG ET AL.
Examiner	Art Unit	
MANSOUR M SAID	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 January 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
4) Interview Summary (PTO-413) Paper No(s). _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook (US 2002/0021291 A1).**

As to claim 1, Cook teaches a touch control pen (stylus, (figures 1-2 & 4, (10)) for a PDA (abstract; page 2, paragraph 0018, lines 1-20 and page 2, paragraph 0021, lines 1-16) comprising: a pen holder (cylindrical housing, (figures 1-2 & 4, (12)) (page 2, paragraph 0018, lines 1-8); and a light source (LED, (figures 2& 4, (46 & 56)) coupled to the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) for generating light (figures 1-4; abstract, page 2 paragraph 0018, lines 1-20; page 2, paragraph 0022, lines 1-11; page 2, paragraph 0023, lines 1-11; page 2, paragraph 0024 through paragraph 0026, lines 6).

As to claim 2, Cook teaches wherein the light source (LED, (figures 2& 4, (46 & 56)) is a light emitting diode (LED) (abstract; page 2, paragraph 0022, lines 1-11 and page 2, paragraph 0023, lines 1-11).

As to claim 3, Cook teaches wherein the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) has a housing that retains a circuit (cylindrical circuit means, (figure 2, (48)) and at least one battery (cylindrical battery, (figures 2 & 4, (34)) that is electrically coupled to the circuit

(figures 1-4; abstract; page 2, paragraph 0021, lines 1-19; page 2, paragraph 0022, lines 1-11; page 2, paragraph 0023, lines 1-11 and page 3, claim 1).

As to claim 4, Cook teaches a pen lid (interchangeable head rotatable head, (figures 1-2 & 4, (14)) that is secured to a rear end of the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) (abstract; page 2, paragraph 0019, lines 1-10 and page 2, paragraph 0021, lines 1-16).

As to claim 5, Cook teaches wherein the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) has a forward end (PDA-contacting portion, (figures 1-4, (16)) (page 2, paragraph 0019, lines 1-10; page 2, paragraph 0020, lines 1-4 and page 2, paragraph 0022, lines 8-11), and the light source (LED, (figures 2& 4, (46 & 56)) is secured to the forward end of the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) (abstract; (page 2, paragraph 0019, lines 1-20; page 2, paragraph 0020, lines 1-4 and page 2, paragraph 0022, lines 1-11).

As to claim 6, Cook teaches that a stylus (stylus, (figures 1-2 & 4, (10)) coupled to the light source (LED, (figures 2& 4, (46 & 56)) (figures 1-4; abstract; (page 2, paragraph 0019, lines 1-20; page 2, paragraph 0022, lines 1-11, page 2, paragraph 0024, lines 1-16 and page 3, claims 1 and 7).

As to claim 7, cook teaches wherein the light source (LED, (figures 2& 4, (46 & 56)) is coupled to the circuit (cylindrical circuit means, (figure 2, (48)) (abstract; page 2, paragraph 0023, lines 1-11 and page 3, claim 1).

As to claim 8, Cook teaches wherein the pen lid (interchangeable head or rotatable head, (figures 1-2 & 4, (14)) includes an insulation piece (metallic sleeve, (figures 2 & 4, (45)) that abuts the at least one battery (battery cathode, (figure 2 &4, (36)) to ensure that the at least one

battery contacts the circuit (cylindrical circuit means, (figure 2, (48)) to complete an electrical connection (figures 1-4; abstract; page 2, paragraph 0022, lines 1-11 and page 3, claims 1 & 7).

As to claim 9, Cook teaches a switch (figure 4, (54)) coupled to the circuit for controlling the turning on and off of the light source (LED, (figures 2& 4, (46 & 56)) (abstract; page 1, paragraph 0017, lines 1-5; page 2, paragraph 0024, lines 1-16; page 4, claims 26 & 30).

As to claim 10, Cook teaches wherein the stylus is made from a different material as the light source (LED, (figures 2& 4, (46 & 56)) (figures 1-4; page 2, paragraph 0019, lines 1-20; page 3, paragraph 0027, lines 27-39; page 3, paragraph 0028, lines 1-5 and page 3, paragraph 0029, lines 1-15).

As to claim 11, Cook teaches wherein the stylus (stylus, (figures 1-2 & 4, (10)) is made of plastic. (polymeric) (page 2, paragraph 0019, lines 1-20 and page 2, paragraph 0020, lines – 19).

As to claim 12, Cook teaches wherein the stylus (stylus, (figures 1-2 & 4, (10)) is made of an alloy (combined with metallic oxides) (page 2, paragraph 0019, lines 1-20).

As to claim 13, Cook teaches wherein the light source (LED, (figures 2 & 4, (56)) has a groove (two leads, (figures 2 & 4, (44 & 46))), and the stylus (stylus, (figures 1-2 & 4, (10)) is secured inside the groove (two leads, (figures 2 & 4, (44 & 46)) (page 2, paragraph 0022, lines 1-11).

As to claim 14, Cook teaches means for securing the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) to a PDA (figures 1-4; abstract; page 1, paragraph 0009, lines 1-2; page 2, paragraph 0019, lines 1-6; page 2, paragraph 0019, lines 1-6; paragraph 0021, lines 1-16; and page 2, paragraph 0024, lines11-15).

As to claim 15, cook teaches a PDA assembly, comprising a PDA (abstract; paragraph 0009, lines 1-2; page 2, paragraph 0019, lines 1-6; page 2, paragraph 0019, lines 1-6; paragraph 0021, lines 1-16; and page 2, paragraph 0024, lines 11-15); and a touch control pen (stylus, (figures 1-2 & 4, (10)), comprising: a pen holder (cylindrical housing, (figures 1-2 & 4, (12)) (abstract; page 2, paragraph 0018, lines 1-20 and page 2, paragraph 0021, lines 1-16); and a light source (LED, (figures 2& 4, (46 & 56)) coupled to the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) for generating light coupled to the pen holder for generating light (figures 1-4; abstract, page 2 paragraph 0018, lines 1-20; page 2, paragraph 0022, lines 1-11; page 2, paragraph 0023, lines 1-11; page 2, paragraph 0024 through paragraph 0026, lines 6).

As to claim 16, Cook teaches wherein the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) has a housing that retains a circuit (cylindrical circuit means, (figure 2, (48)) and at least one battery (cylindrical battery, (figures 2 & 4, (34)) that is electrically coupled to the circuit (figures 1-4; abstract; page 2, paragraph 0021, lines 1-19; page 2, paragraph 0022, lines 1-11; page 2, paragraph 0023, lines 1-11 and page 3, claim 1).

As to claim 17, Cook teaches a pen lid (interchangeable head rotatable head, (figures 1-2 & 4, (14)) that is secured to a rear end of the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) (abstract; page 2, paragraph 0019, lines 1-10 and page 2, paragraph 0021, lines 1-16).

As to claim 18, Cook teaches wherein the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) has a forward end (PDA-contacting portion, (figures 1-4, (16)) (page 2, paragraph 0019, lines 1-10; page 2, paragraph 0020, lines 1-4 and page 2, paragraph 0022, lines 8-11), and the light source (LED, (figures 2& 4, (46 & 56)) is secured to the forward end of the pen holder

(cylindrical housing, (figures 1-2 & 4, (12)) (abstract; (page 2, paragraph 0019, lines 1-20; page 2, paragraph 0020, lines 1-4 and page 2, paragraph 0022, lines 1-11).

As to claim 19, Cook teaches that a stylus (stylus, (figures 1-2 & 4, (10)) coupled to the light source (LED, (figures 2& 4, (46 & 56)) (figures 1-4; abstract; (page 2, paragraph 0019, lines 1-20; page 2, paragraph 0022, lines 1-11, page 2, paragraph 0024, lines 1-16 and page 3, claims 1 and 7).

As to claim 20, Cook teaches a method of illuminating a screen on a PDA in a dark environment (“PDA having a LED embedded within a tip selectively operable by an end user” (abstract; page 1, paragraph 0009, lines 1-2 and page 2, paragraph 0019, lines 1-6), comprising: providing a touch control pen (stylus, (figures 1-2 & 4, (10)) for use with the PDA, the touch control pen (stylus, (figures 1-2 & 4, (10)) having a light source (LED, (figures 2& 4, (46 & 56)) (figures 1-4; abstract, page 2 paragraph 0018, lines 1-20; page 2, paragraph 0022, lines 1-11; page 2, paragraph 0023, lines 1-11; page 2, paragraph 0024 through paragraph 0026, lines 6).

As to claim 21, Cook teaches further including selectively turning on and off the light source (LED, (figures 2& 4, (46 & 56)) (figures 1-4; abstract; page 1, paragraph 0017, lines 1-5; page 2, paragraph 0026, lines 1-6; page 4 claim 26 and page 4, claim 31).

As to claim 22, Cook teaches (stylus, (figures 1-2 & 4, (10)) for a PDA (abstract; page 2, paragraph 0018, lines 1-20 and page 2, paragraph 0021, lines 1-16), comprising: a pen holder a pen holder (cylindrical housing, (figures 1-2 & 4, (12)) (abstract; page 2, paragraph 0018, lines 1-20 and page 2, paragraph 0021, lines 1-16; and means for securing the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) to a portion of a PDA (page 1, paragraph 0009, lines 1-2 and page 2, paragraph 0018, lines 1-1-6).

As to claim 23, Cook teaches wherein the securing means comprises a magnetic sleeve provided about the pen holder (cylindrical housing, (figures 1-2 & 4, (12) and page 2, paragraph 002, lines 1-11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 24-25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Searby et al. (4,580,007; hereinafter referred to as Searby).**

As to claims 24 and 25, Cook teaches all claimed limitation except that having a piece of magnet one end of the pen holder.

However, Searby teaches that a stylus having a piece of magnet one end of the pen holder (housing) (figures 1-2 and column 1, lines 55-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Searby's stylus having a magnet within the housing into Cook's device so as to constraining the stylus so as to limit it its movement outwards.

As to claim 26, Cook teaches further comprising a light source (LED, (figures 2& 4, (46 & 56)) coupled to the pen holder (cylindrical housing, (figures 1-2 & 4, (12)) for generating light (figures 1-4; abstract, page 2 paragraph 0018, lines 1-20; page 2, paragraph 0022, lines 1-11; page 2, paragraph 0023, lines 1-11; page 2, paragraph 0024 through paragraph 0026, lines 6).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Colgan et al. (6,529,189 B1) disclose a touch screen stylus with IR-coupled selection buttons.

Matsumoto et al. (6,633,280 B1) teaches touch panel device.

Ju (US 2002/0158854 A1) teaches a stylus pen for personal digital.

Chuang (US 2003/0095114 A1) teaches a touch pen with illumination unit for computerized apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mansour M. Said** whose telephone number is **(703) 306-5411**.

The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 6:00 p.m. The examiner can also be reached on alternate Friday from 8:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Shalwala Bipin**, can be reached at **(703) 305-4938**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer service Office whose telephone number is (703) 306-0377.

November 30, 2003

Mansour M. Said

A handwritten signature in black ink, appearing to read "Vijay Shankar", is written over a diagonal line.

VIJAY SHANKAR
PRIMARY EXAMINER